

AMENDED IN ASSEMBLY MAY 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2720**

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**Introduced by Assembly Members John A. Perez and Bass  
(Coauthors: Assembly Members Galgiani and Hall)**

February 19, 2010

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*An act to amend Section 104601 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, John A. Perez. Public health: food-justice access.

Existing law requires the Department of Food and Agriculture, headed by the Secretary of Food and Agriculture, to promote and protect the agricultural industry of the state.

*Existing law, until January 1, 2011, requires the State Department of Public Health to develop a "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh fruits and vegetables in low-income communities, as specified.*

This bill would require, by July 1, 2011, the Department of Food and Agriculture, in consultation with the State Department of Public Health and the State Department of Social Services, to provide recommendations to the Legislature regarding actions that need to be taken to promote food-justice access in the state. *It would also require the Department of Food and Agriculture to coordinate efforts to maximize the funding opportunities provided by the federal 2010 Healthy Food Financing Initiative.*

*This bill would revise and recast the "Healthy Food Purchase" pilot program to require the State Department of Public Health to utilize the*

*maximum amount of federal funds available to further the purposes of the program. It would authorize the department to award grants and provide in-kind support to nonprofit corporations to encourage the sale and consumption of fresh fruits and vegetables, as specified. It would extend to January 1, 2015, the repeal date of the program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3 ~~(a) Access to fresh and healthy food is a basic human right.~~

4 ~~(b) Communities are enriched by diverse food experiences.~~

5 (a) *California has some of the most productive farmlands in the*  
6 *world. California's farmlands produce more than 350 commodities*  
7 *and food items. These farmlands require protection and efficient*  
8 *operations to maintain our food supply and guarantee a natural*  
9 *resource for California's future generations.*

10 (b) *California's cultural heritage provides the basis for a variety*  
11 *of food items that are available to the state's 36 million residents.*

12 (c) *The production and preparation of food needs to be*  
13 *conducted in a healthy and humane manner.*

14 ~~(d) Agricultural lands need to be protected for future generations.~~

15 (d) *Access to health food items is a basic human right. Lack of*  
16 *access to healthy, affordable food items, may result in higher levels*  
17 *of obesity and other diet-related diseases. Communities without*  
18 *access to affordable, quality, and nutritious foods are known as*  
19 *food deserts.*

20 (e) *Opportunities for increasing the number of grocery stores,*  
21 *urban farm stands, farmers' markets, and direct farmer to consumer*  
22 *marketing activities in underserved communities should be actively*  
23 *pursued and fostered to ensure that all Californians have access*  
24 *to healthy foods.*

25 SEC. 2. (a) *By July 1, 2011, the Department of Food and*  
26 *Agriculture, in consultation with the State Department of Public*  
27 *Health and the State Department of Social Services, shall provide*  
28 *recommendations to the Legislature regarding actions that need*  
29 *to be taken to promote food-justice access in the state.*

1     ***(b) The Department of Food and Agriculture, in consultation***  
2     ***with the State Department of Public Health and the State***  
3     ***Department of Social Services, shall coordinate efforts to maximize***  
4     ***the funding opportunities provided by the federal 2010 Healthy***  
5     ***Food Financing Initiative. This national initiative is intended to***  
6     ***expand access to nutritious foods in underserved urban and rural***  
7     ***communities and eliminate food deserts across the country within***  
8     ***seven years.***

9     ***SEC. 3. Section 104601 of the Health and Safety Code is***  
10    ***amended to read:***

11     104601. (a) The department, in consultation with the  
12     Department of Food and Agriculture, shall develop a “Healthy  
13     Food Purchase” pilot program to increase the sale and purchase  
14     of fresh fruits and vegetables in low-income communities.

15     ~~(b) The total number of counties included in the pilot program~~  
16     ~~shall not exceed seven.~~

17     ~~(c)~~

18     (b) The department, in consultation with the Department of  
19     Food and Agriculture, shall design the program to include the  
20     following two components:

21     (1) Strategies aimed at small grocers in targeted low-income  
22     neighborhoods to increase the offerings of fresh fruits and  
23     vegetables in those communities. In selected pilot program  
24     communities, the department shall provide targeted food retailers  
25     with support or assistance to obtain refrigerated produce display  
26     cases through the assessment of the feasibility of a variety of  
27     financing methods, including, but not limited to, leasing, lending,  
28     small business and economic development support, and other  
29     time-limited strategies. The department shall also provide technical  
30     assistance to targeted retailers on the purchase, storage, marketing,  
31     and display of fresh produce. The department shall use available  
32     federal funds for this technical assistance, where appropriate.

33     (2) Strategies aimed at food stamp recipients to increase their  
34     purchase of fresh fruits and vegetables by making those products  
35     more affordable, including the development and implementation  
36     of financial incentives. The department, in consultation with the  
37     State Department of Social Services, shall seek any necessary  
38     federal government approvals to allow use of the Food Stamp  
39     Electronic Benefits Card, as provided in Chapter 3 (commencing  
40     with Section 10065) of Part 1 of Division 9 of the Welfare and

1 Institutions Code, to provide those incentives, and to implement  
2 the pilot program.

3 *(c) The department may award grants and provide in-kind*  
4 *support to nonprofit corporations that the department deems*  
5 *eligible to encourage the sale and consumption of fresh fruits and*  
6 *vegetables pursuant to the program. The award of these grants*  
7 *shall be exempt from the State Contract Act (Part 2 (commencing*  
8 *Section 10100) of Division 2 of the Public Contract Code).*

9 *(d) In developing the pilot program, the department shall include*  
10 *all of the following: design the program to utilize the maximum*  
11 *amount of federal funds available to further the purposes of the*  
12 *program, including federal funds made available pursuant to the*  
13 *federal Food, Conservation, and Energy Act of 2008 (Public Law*  
14 *110-234, Section 4141).*

15 ~~(1) At least one county that is above the food stamp average~~  
16 ~~county participation.~~

17 ~~(2) At least one county that is below the food stamp average~~  
18 ~~county participation.~~

19 ~~(3) At least one county with high above-average rates of poverty,~~  
20 ~~food insecurity, or obesity.~~

21 ~~(4) At least one urban county.~~

22 ~~(5) At least one rural county.~~

23 ~~(e) The department shall consider all of the following in~~  
24 ~~choosing counties to participate in the program:~~

25 ~~(1) The level of need in the community.~~

26 ~~(2) The size of the food stamp population.~~

27 ~~(3) The need for geographic diversity.~~

28 ~~(4) The availability of technology in targeted food retailers to~~  
29 ~~collect the data necessary to evaluate the pilot program.~~

30 ~~(f)~~

31 *(e) The department shall seek all necessary approvals to establish*  
32 *the pilot program, and shall apply for available federal matching*  
33 *funds to support the work of the pilot program.*

34 ~~(g)~~

35 *(f) The department shall develop, in consultation with the United*  
36 *States Department of Agriculture's Economic Research Service,*  
37 *a process for evaluating the effectiveness of the pilot program.*  
38 *The evaluation shall examine the impact of the various strategies*  
39 *employed in the pilot program on the purchase of fresh produce*  
40 *and on any increase in retailer space devoted to the sale of fresh*

1 fruits and vegetables, and the effect this has on retailer profitability.  
2 The evaluation also shall test alternatives to the reliance on uniform  
3 product codes for identification of fresh produce deemed eligible  
4 for financial incentives. ~~The department shall contract with an~~  
5 ~~independent external evaluator to conduct this evaluation. The~~  
6 ~~department shall make recommendations to the Legislature~~  
7 ~~regarding the continuation of the pilot program, and any state and~~  
8 ~~federal policy changes needed to support the goals of the pilot~~  
9 ~~program. To the extent permitted by federal law and any conditions~~  
10 ~~imposed upon private funding for the program, the evaluation~~  
11 ~~shall assess the effectiveness of combining the strategies to increase~~  
12 ~~offerings of fresh fruits and vegetables described in paragraph~~  
13 ~~(10) of subdivision (b) with the strategies for increasing~~  
14 ~~affordability of fresh fruits and vegetables in paragraph (2) of that~~  
15 ~~subdivision.~~

16 ~~(h)~~

17 (g) The department may, on or after July 1, 2009, implement  
18 this article to the extent that the Department of Finance determines  
19 that there are sufficient funds available for that purpose from any  
20 source, including state funds, federal funds, excluding federal  
21 block grant funds awarded to California pursuant to the Specialty  
22 Crops Competitiveness Act of 2004 (Public Law 108-465), and  
23 future awards of block grant funds intended to improve the  
24 competitiveness of the specialty crop industry, or funds from grants  
25 or private donations.

26 ~~(i)~~

27 (h) Notwithstanding any other provision of law, no General  
28 Fund moneys shall be used to fund the program.

29 ~~(j)~~

30 (i) This article shall remain in effect only until January 1, ~~2013~~  
31 ~~2015~~, and as of that date is repealed, unless a later enacted statute,  
32 that is enacted before January 1, ~~2013~~ ~~2015~~, deletes or extends  
33 that date.